IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23161 of 2004

Between:

Kummarikunta Asirwadam S/o. China Ankaiah
Guravajipeta Village Kanigiri Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector Prakasam District, Ongole
2 The Revenue Divisional Officer Kandukur, Prakasam District.
3 The Mandal Revenue Officer Kanaigiri, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent issued in RC.CS2/4385/2004 dated 22-11-2004 in not granting stay of proceedings of the 2nd respondent issued in RC.F/2354/2004 dt.13.10.2004 during the pendency of the Appeal of the Petitioner dt.29.10.2004 before the 1st respondent, as illegal, arbitrary and violative of principles of natural justice and consequently suspend the proceedings of the 2nd respondent issued in RC.F/2354/2004, dt.13-10-2004 during the pendency of appeal dt.29-10-2004 before the 1st respondent by setting aside the proceedings of the 1st respondent issued in RC.CS2/4385/2004 dt.22-11-2004.

Counsel for the Petitioner:MR.M.SUBBA REDDY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a dealer of a fair price shop. His authorization was suspended by the 2nd respondent through proceedings, dated 13.10.2004. Aggrieved thereby, petitioner preferred an appeal together with an application for grant of stay. The 1st respondent rejected the application through his order, dated 22.11.2004. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner was issued a Show-Cause notice, dated 14.08.2004, whereunder as many as seven allegations were levelled against the petitioner. On receipt of the same, petitioner submitted his explanation. The 2nd respondent passed an order, dated 13.10.2004, suspending the authorization. In this, against every charge, the only observation made by the 2nd respondent, in relation to the explanation offered by the petitioner reads as under:

"The explanation offered by the dealer is not satisfactory."

The entire process of issuing Show-Cause notice and consideration of explanation was reduced to an empty formality.

While rejecting the application for grant of stay, the 1st respondent did not assign any reason. Though this is not the stage to pass elaborate order, he ought to have indicated at least semblance of reasoning before rejecting the application for grant of stay.

For the foregoing reasons, the writ petition is disposed of directing that the petitioner shall be entitled to function as fair price shop dealer, till the 1st respondent disposes the appeal. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 14th December, 2004

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To

1 The Joint Collector Prakasam District, Ongole
2 The Revenue Divisional Officer Kandukur, Prakasam District.
3 The Mandal Revenue Officer Kanaigiri, Prakasam District.

4 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

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